



186

251



The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY, JUNE 27, 1914.

The Probate and Administration Regulation.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
- Local Extent.
- Commencement.
2. Personal application.
3. Interpretation-clause.

OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

4. Character and property of executor or administrator as such.
5. Administration with copy annexed of authenticated copy of will proved abroad.
6. Probate only to appointed executor.
7. Appointment express or implied.
8. Persons to whom probate cannot be granted.
9. Grant of probate to several executors simultaneously or at different times.

SECTIONS.

10. Separate probate of codicil discovered after grant of probate.
Procedure when different executors appointed by codicil.
11. Accrual of representation to surviving executor.
12. Effect of probate.
13. To whom administration may not be granted.
14. Effect of letters of administration.
15. Acts not validated by administration.
16. Grant of administration where executor has not renounced.
Exception.
17. Form and effect of renunciation of executorship.
18. Procedure where executor renounces or fails to accept within time limited.
19. Grant of administration to universal or residuary legatee.
20. Right to administration of representative of deceased residuary legatee.
21. Grant of administration where no executor, nor residuary legatee, nor representative of such legatee.
22. Citation before grant of administration to legatee other than universal or residuary.
23. To whom administration may be granted.

CHAPTER III.

OF LIMITED GRANTS.

(a) Grants limited in Duration.

24. Probate of copy or draft of lost will.
25. Probate of contents of lost or destroyed will.
26. Probate of copy where original exists.
27. Administration until will produced.

(b) Grants for the Use and Benefit of Others having Right.

28. Administration with will annexed to agent of absent executor.
29. Administration with will annexed to agent of absent person, who, if present, would be entitled to administer.
30. Administration to agent of absent person entitled to administer in case of intestacy.
31. Administration during minority of sole executor or residuary legatee.
32. Administration during minority of several executors or residuary legatees.
33. Administration for use and benefit of minor or lunatic.
34. Administration *pendente lite*.

(c) For Special Purposes.

35. Probate limited to purpose specified in will.
36. Administration with will annexed limited to particular purpose.
37. Administration limited to trust-property.
38. Administration limited to suit.
39. Administration limited to purpose of becoming party to suit to be brought against executor or administrator.
40. Administration limited to collection and preservation of deceased's property.
41. Appointment, as administrator, of person other than one who under ordinary circumstances would be entitled to administration.

(d) Grants with Exception.

42. Probate or administration with will annexed subject to exception.
- ~~43. Administration with exception.~~

(e) Grants of the Rest.

44. Probate or administration of rest.

(f) Grants of Effects unadministered.

45. Grant of effects unadministered.
46. Rules as to grants of effects unadministered.
47. Administration when limited grant expired, and still some part of estate unadministered.

CHAPTER IV.

ALTERATION AND REVOCATION OF GRANTS.

SECTIONS.

48. What errors may be rectified by Court.
49. Procedure where codicil discovered after grant of administration with will annexed.
50. Revocation or annulment for just cause.
"Just cause."

CHAPTER V.

OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

51. Jurisdiction of District Judge in granting and revoking probates, etc.
52. Power to appoint Delegate of District Judge to deal with non-contentious cases.
53. District Judge's powers as to grant of probate and administration.
54. District Judge may order person to produce testamentary papers.
55. Proceedings of District Judge's Court in relation to probate and administration.
56. When probate or administration may be granted by District Judge.
57. Disposal of application made to Judge of district in which deceased had no fixed abode.
58. Probate and letters of administration may be granted by delegate.
59. Conclusiveness of probate or letters of administration.
Effect of unlimited probates, etc., granted by certain Courts.
60. Conclusiveness of application for probate or administration, if properly made and verified.
61. Petition for probate.
62. In what cases translation of will to be annexed to petition.
Verification of translation by person other than Court translator.
63. Petition for letters of administration.
64. Petition for probate or administration to be signed and verified.
65. Verification of petition for probate by one witness to will.
66. Punishment for false averment in petition or declaration.
67. District Judge may—
examine petitioner in person,
require further evidence, and
issue citations to inspect proceedings.
Publication of citation.
68. Caveats against grant of probate or administration.
69. Form of caveat.
70. After entry of caveat, no proceeding taken on petition until after notice to caveator.
71. District Delegate when not to grant probate or administration.
72. Power to transmit statement to District Judge in doubtful cases where no contention.
73. Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.
74. Grant of probate to be under seal of Court.
Form of such grant.
75. Grant of letters of administration to be under seal of Court.
Form of such grant.
76. Administration-bond.
- ~~77. Assignment of administration-bond.~~
78. Time before which probate or administration shall not be granted.
79. Filing of original wills of which probate or administration with will annexed granted.
80. Grantee of probate or administration alone to issue, etc., until same revoked.
81. Procedure in contentious cases.
82. Payment to executor or administrator before probate or administration revoked.
Right of such executor or administrator to recoup himself.
83. Power to refuse letters of administration.
84. Appeals from orders of District Judge.
85. Concurrent jurisdiction of Chief Judge.

CHAPTER VI.

OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

SECTIONS.

86. In respect of causes of action surviving deceased, and debts due at death.
87. Demands and rights of suit of or against deceased survive to and against executor or administrator.
88. Power of executor or administrator to dispose of property.
89. Purchase by executor or administrator of deceased's property.
90. Powers of several executors or administrators exerciseable by one.
91. Survival of powers on death of one of several executors or administrators.
92. Powers of administrator of effects unadministered.
93. Powers of administrator during minority.
94. Powers of married executrix or administratrix.

CHAPTER VII.

OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

95. As to deceased's funeral ceremonies.
96. Inventory and account.
97. As to property of, and debts owing to, deceased.
98. Expenses to be paid before all debts.
99. Expenses to be paid next after such expenses.
100. Wages for certain services to be next paid, and then other debts.
101. Save as aforesaid, all debts to be paid equally and rateably.
102. Debts to be paid before legacies.
103. Executor or administrator not bound to pay legacies without indemnity.
104. Abatement of general legacies.
Executor not to pay one legatee in preference to another.
105. Non-abatement of specific legacy when assets sufficient to pay debts.
106. Right under demonstrative legacy, when assets sufficient to pay debts and necessary expenses.
107. Rateable abatement of specific legacies.
108. Legacies treated as general for purpose of abatement.

CHAPTER VIII.

OF THE EXECUTOR'S ASSENT TO A LEGACY.

109. Assent necessary to complete legatee's title.
110. Effect of executor's assent to specific legacy.
Nature of assent.
111. Conditional assent.
112. Assent of executor to his own legacy.
Implied assent.
113. Effect of executor's assent.
114. Executor when to deliver legacies.

OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.

115. Commencement of annuity when no time fixed by will.
116. When annuity, to be paid quarterly or monthly, first falls due.
117. Date of successive payments when first payment directed to be made within given time, or on day certain.
Apportionment where annuitant dies between times of payment.

CHAPTER X.

OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

SECTIONS.

118. Investment of sum bequeathed where legacy, not specific, given for life.
119. Investment of general legacy, to be paid at future time.
Intermediate interest.
120. Procedure when no fund charged with, or appropriated to, annuity.
121. Transfer to residuary legatee of contingent bequest.
122. Investment of residue bequeathed for life, with direction to invest in specified securities.
123. Time and manner of conversion and investment.
Interest payable until investment.
124. Procedure where minor entitled to immediate payment or possession of bequest, and no direction to pay to person on his behalf.

CHAPTER XI.

OF THE PRODUCE AND INTEREST OF LEGACIES.

125. Legatee's title to produce of specific legacy.
126. Residuary legatee's title to produce of residuary fund.
127. Interest when no time fixed for payment of general legacy.
128. Interest when time fixed.
129. Rate of interest.
130. No interest on arrears of annuity within first year after testator's death.
131. Interest on sum to be invested to produce annuity.

CHAPTER XII.

OF THE REFUNDING OF LEGACIES.

132. Refund of legacy paid under Judge's orders.
133. No refund if paid voluntarily.
134. Refund when legacy becomes due on performance of condition within further time allowed.
135. When each legatee compellable to refund in proportion.
136. Distribution of assets.
Creditor may follow assets.
137. Creditor may call upon legatee to refund.
138. When legatee, not satisfied or compelled to refund under Section 137, cannot oblige one paid in full to refund.
139. When unsatisfied legatee must first proceed against executor, if solvent.
140. Limit to refunding of one legatee to another.
141. Refunding to be without interest.
142. Residue after usual payments to be paid to residuary legatee.
143. Transfer of assets from Mysore to executor or administrator in country of domicile for distribution.

CHAPTER XIII.

OF THE LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.

144. Liability of executor or administrator for devastation.
145. For neglect to get in any part of property.

1911

CHAPTER XIV.

MISCELLANEOUS.

SECTIONS.

- 146. Provisions applied to administrator with will annexed.
- 147. Saving clause.
- 148. Probate and administration, in case of persons exempted from Succession Act, to be granted only under this Regulation.
- 149. Amendment of Limitation Regulation, 1911.
- 150. Surrender of revoked probate or letters of administration.